

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DOUGLAS E. BAKER and VERNELL F.  
BAKER, husband and wife; and HARD  
ROCK TRUCKING, INC., a Washington  
state corporation,

Plaintiffs,

v.

CLALLAM COUNTY, et al,

Defendants.

Case No. C08-5147RBL

ORDER

THIS MATTER comes before the Court on Defendants' First Motion to Compel [Dkt. #26]. The Court has reviewed the materials submitted in connection with the motion. Oral argument is not necessary to resolve the issue presented in this motion.

In their motion, defendants tell a tale of persistent difficulty in obtaining discovery from plaintiffs. Plaintiffs failed to respond to email inquiries and telephone messages related to plaintiffs' failure to respond to discovery requests. This inattention to detail on the part of plaintiffs' counsel resulted in a motion to compel and a request for sanctions. Plaintiffs' response was to the effect that all discovery responses were being mailed at the same time as the response was being filed. Defendants' reply asked the Court to disregard plaintiffs' response, order complete discovery within 10 days of the date of the

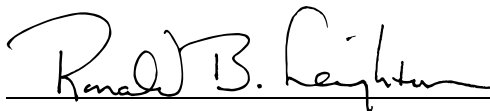
1 order and grant attorney fees and costs as an appropriate sanction.

2 The proposed Order submitted by defendants is entitled "Order of Dismissal."

3 Defendants have not indicated to the Court whether the discovery responses supplied by plaintiffs  
4 were sufficient under the Federal Rules of Civil Procedure. Those responses were placed in the mails on  
5 February 10, 2009, according to the Declaration of Randy Loun, plaintiffs' counsel. Under the  
6 circumstances, the Court is inclined to deny the motion as moot and to decline the request for sanctions.  
7 The Court is nevertheless concerned about lack of responsiveness on the part of plaintiffs' counsel and if  
8 such problems persist, the Court will not hesitate to award sanctions in the future where appropriate.  
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10 IT IS HEREBY ORDERED that Defendants' Motion to Compel [Dkt. #26] is **DENIED AS**  
11 **MOOT**. The related request for sanctions is also **DENIED**.  
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13 Dated this 23<sup>rd</sup> day of March, 2009.  
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17 RONALD B. LEIGHTON  
18 UNITED STATES DISTRICT JUDGE  
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